



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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Deidra Johnson
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Legal Division
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P.O. Box 4302
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AUG 03 2016

Dear Ms. Johnson:

Thank you for the opportunity to review and comment on the proposed revisions to the Louisiana Administrative Code (LAC) in response to the EPA's Startup, Shutdown, and Malfunction (SSM) State Implementation Plan (SIP) Call. (See Enclosure 80 FR 33840, (June 12, 2015).) The EPA appreciates the LDEQ's efforts to address the SSM SIP Call.

Proposed revisions to sections LAC 33:III.1507.A, LAC 33:III.1507.B, LAC 33:III.2307.C.1.a, and LAC 33:III.2307.C.2.a will repeal and remove exemptions from the existing Louisiana SIP.

Proposed revisions to section LAC 33:III.2201.C.8 will repeal the exemption, and amend Chapter 22 to add new proposed rule LAC 33:III.2201.K to allow the owner/operator of an affected point source to comply either with the applicable emission factors imposed by LAC 33:III.2201.D at all times (including periods of startup and shutdown) or with the newly-established work practice standards designed to minimize emissions during periods of startup and shutdown.

We offer the following comments which should be addressed to provide the necessary record for the proposed revisions:

1. Louisiana's SIP submittal letter should include a statement that Louisiana is requesting the EPA's review/approval of the removal of the sections identified above from the Louisiana SIP, as required by the EPA's SSM SIP Call of June 12, 2015 (80 FR 33967).
2. Due to the fact that Louisiana is proposing to remove certain provisions from the Louisiana SIP, a demonstration under Section 110(l) of the federal Clean Air Act (CAA) is a necessary component of Louisiana's SIP submittal to the EPA. (See Enclosure 80 FR 33975, (June 12, 2015).) If you require assistance with the requirements for an appropriate Section 110(l) demonstration, the EPA Regional staff can provide such assistance.
3. With respect to the replacement of the exemption set forth in LAC 33:III.2201.C.8 with new provisions in proposed rule LAC 33:III.2201.K that would allow the owner/operator of an affected point source to comply with the emission factors imposed by LAC 33:III.2201.D at all times (including periods of startup and shutdown) or with newly-established work practice standards, we offer the following specific comments related to proposed rule LAC 33:III.2201.K:

- a. As noted in the EPA's SSM SIP Call, SIP provisions may include alternative emission limitations for startup and shutdown as part of a continuously applicable emission limitation when properly developed and otherwise consistent with CAA requirements. In addition, the EPA has noted that it may be appropriate in some cases for an emission limitation to include an approach to control for startup and/or shutdown periods other than a numerically expressed emission limitation. The EPA recommends seven specific criteria as appropriate considerations for developing emission limitations in SIP provisions that apply during startup and shutdown. (See Enclosure and 80 FR 33980, (June 12, 2015).) Louisiana's SIP submittal should include a clear explanation as to how the requirements in proposed rule LAC 33:III.2201.K.3.a-f are consistent with the criteria found at 80 FR 33980, (June 12, 2015), for all affected point sources subject to LAC 33:III.2201.
- b. In addition to Comment 3.a above, the work practice requirements will need to meet applicable Clean Air Act (CAA) stringency requirements and be legally and practically enforceable. (See Enclosure 80 FR 33910, (June 12, 2015).) As such, Louisiana's SIP submittal should explain how proposed rule LAC 33:III.2201.K meets these requirements during startup and shutdown modes for each category of affected point sources covered by the rule. In this case, the SIP submission should explain how the work practice requirements meet the CAA's RACT requirements.
- c. We note that proposed rule LAC 33:III.2201.K.3.b imposes work practice requirements specific to coal-fired and fuel oil-fired electric power generating system boilers and fuel oil-fired stationary gas turbines during periods of startup and shutdown requiring the use of natural gas during these time periods. When combined with appropriate monitoring, recordkeeping, and reporting requirements, such requirements likely satisfy CAA requirements. As described in comment 3.a. and 3.b above, Louisiana's submission should include an explanation of how the seven criteria are met by this work practice for coal-fired and fuel oil-fired EGU's.

Moreover, we note that affected point sources covered by the proposed rule also include other boilers, process heaters/furnaces, stationary gas turbines, and stationary internal combustion engines which would not be subject to the requirements of proposed rule LAC 33:III.2201.K.3.b. Louisiana's SIP submittal should also include a clear explanation of how the seven criteria and the stringency requirements (e.g., NOx RACT requirements) were considered in developing the work practice requirements for *each* category of affected point sources not subject to proposed rule LAC 33:III.2201.K.3.b (i.e., boilers, process heaters/furnaces, stationary gas turbines, and stationary internal combustion engines). For every category/type of affected point source that could opt to comply during startup and shutdown with the alternative emission limitations (work practice requirements), those requirements need to be included in proposed rule LAC 33:III.2201.K.3.

- d. The requirements in proposed rule LAC 33:III.2201.K.3.a and LAC 33:III.2201.K.3.c constitute "general duty" provisions. We support the inclusion of general duty provisions as separate *additional* requirements in SIPs, for example, to ensure that owners and operators act consistent with reasonable standards of care; however, the EPA does not recommend the submittal of general duty-type provisions as alternative emission limitations because such provisions standing alone may not meet the applicable stringency requirements for SIPs (e.g., RACT). In general, the EPA believes that a legally and practically enforceable alternative emission limitation applicable during startup and shutdown should be expressed as a numerical limitation, a specific

technological control requirement or a specific work practice. (See 80 FR 33879-80, (June 12, 2015).)

- e. The proposed LAC 33:III.2201.K.2 provides for *all other affected sources* (i.e., sources that are *not* shut down intentionally more than once per month) with the option of either complying with LAC 33:III.2201.K.1, or with the work practice standards outlined in LAC 33:III.2201.K.3. The rule should be clear how the LDEQ would be notified in advance which of the two options the source has chosen. Any alternative emission limitation applicable during startup and shutdown must be independently enforceable. Thus, the LDEQ must determine before a startup or shutdown event occurs what emission limitation applies during such times. Otherwise, the limitation may not be practicably enforceable. In addition, this situation may create a problem regarding how to account for startup and shutdown events in emissions inventories and SIP planning.
- f. The EPA encourages the operation and maintenance of control devices in accordance with safety and manufacturer recommendations, as required by proposed rule LAC 33:III.2201.K.3.c; however, for enforceability purposes, we believe that the rule should make clear that the source's Title V operating permit will include specific conditions that identify/detail when safe operation of control devices (including SCR/SNCR) will begin.
- g. With respect to proposed rule LAC 33:III.2201.K.3.d, please explain if there is a limit to the number of startups for stationary internal combustion engines (e.g., number of startups per day, per month, or per year) and explain how such limitations are legally and practically enforceable as well as how the seven criteria and stringency requirements noted in Comment 3.a and Comment 3.b above were considered in developing these startup requirements.

Should you have any questions regarding this letter, please feel free to contact me at (214) 665-7242, or Alan Shar of my staff at 214-665-6691. If you have legal questions, please contact Richard Bartley at 214-665-7242. Again, I appreciate your efforts to address this important requirement.

Sincerely,



Guy Donaldson
Chief
Air Planning Section

Enclosure

ENCLOSURE

Alternative Emission Limitations Applicable to the Source During Startup and Shutdown from 80 FR 33980 (June 12, 2015)

The EPA recommends the following seven (7) criteria be considered in developing alternative requirements for a source during startup and shutdown events. To be approvable, these alternative requirements should be narrowly tailored and properly bounded.

- (1) The revision is limited to specific, narrowly defined source categories using specific control strategies (*e.g.*, cogeneration facilities burning natural gas and using selective catalytic reduction);
- (2) Use of the control strategy for this source category is technically infeasible during startup or shutdown periods;
- (3) The alternative emission limitation requires that the frequency and duration of operation in startup or shutdown mode are minimized to the greatest extent practicable;
- (4) As part of its justification of the SIP revision, the state analyzes the potential worst-case emissions that could occur during startup and shutdown based on the applicable alternative emission limitation;
- (5) The alternative emission limitation requires that all possible steps are taken to minimize the impact of emissions during startup and shutdown on ambient air quality;
- (6) The alternative emission limitation requires that, at all times, the facility is operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures; and
- (7) The alternative emission limitation actions during startup and shutdown periods are documented by properly signed, contemporaneous operating logs or other relevant evidence.